

REMARKS

Favorable reconsideration of the application is respectfully requested in light of the amendments and remarks herein.

Upon entry of this amendment, claims 1-13, 15, 17-20-45, 48-60, 62-103, and 105-149 will be pending. By this amendment, claims 58, 101, 144, and 145 have been amended. No new matter has been added.

Objection to Claim 145

In Section 1 of the Office Action, the Examiner has objected to claim 145 because of informalities. Claim 145 has been amended, obviating this objection. Accordingly, it is respectfully requested that this objection be withdrawn.

§102 Rejection of Claims 1-13, 15, 17-20, 22-45, 48-60, 62-103, and 105-149

In Section 3 of the Office Action, the Examiner has rejected claims 1-13, 15, 17-20, 22-45, 48-60, 62-103, and 105-149 under 35 U.S.C. §102(b) as being anticipated by Jeffers *et al.* (U.S. Patent No. 4,739,510; hereinafter referred to as “Jeffers”). This rejection is respectfully traversed.

Claim 1 is a method claim for transmitting a predetermined broadcast signal together with predetermined additional information. The steps of method claim 1 includes:

“constructing said additional information in which acquiring information necessary to acquire related data related to said broadcast signal and a second signal are disposed, wherein said broadcast signal is a signal in which said second signal is superimposed on a first signal; and

transmitting said broadcast signal, and transmitting said additional information, in which said acquiring information concerning said related data related to this

broadcast signal is disposed, on plural occasions during the transmission of said broadcast signal." (emphasis added)

Therefore, in summary, claim 1 comprises: (1) constructing additional information, which includes acquiring information for acquiring data related to a broadcast signal and a second signal; (2) transmitting the broadcast signal, which is a signal having the second signal superimposed on a first signal; (3) transmitting the additional information on plural occasions during the transmission of the broadcast signal.

The Examiner indicates that Jeffers includes a method for constructing a header (equivalent to the additional information of claim 1), which is recited to include program identification information (Jeffers, Column 5, lines 57-58), and is broadcast repetitiously (Jeffers, Column 16, lines 39-40). The Examiner also indicates that the broadcast signal is a signal in which an audio signal (the second signal of claim 1) is superimposed on a video signal (the first signal of claim 1).

However, according to the above linkage of elements between claim 1 and Jeffers, the Jeffers' header lacks the audio signal (the second signal of claim 1). Therefore, Jeffers fails to disclose having the second signal of claim 1 in the additional information, superimposing the second signal on the first signal, and transmitting the additional information including the second signal on plural occasions.

Based on the foregoing discussion, it is maintained that Jeffers fails to teach or suggest all the limitations of claim 1. Therefore, claim 1 should be allowable over Jeffers. Furthermore, since independent claim 34 closely parallels, and includes substantially similar limitations as, independent claim 1, claim 34 should also be allowable over Jeffers. Since claims 2-13, 15, and 17-33 depend from claim 1, and claims 35-45 and 48-57 depend from claim 34, claims 2-13, 15, 17-33, 35-45, and 48-57 should also be allowable over Jeffers.

Claim 58 is a method claim for receiving a predetermined broadcast signal and predetermined additional information in which acquiring information necessary to acquire related data related to this broadcast signal is disposed. The steps of method claim 58 includes:

“receiving said broadcast signal and said additional information;

temporarily storing said received additional information; and

storing said acquiring information disposed in said temporarily stored additional information into a main storage when there is a predetermined input from an operation unit.” (emphasis added)

Comparing claim 58 to Jeffers, it is maintained that Jeffers fails to teach or suggest storing the acquiring information disposed in the temporarily stored additional information into a main storage (the decoder memory in Jeffers) when there is a predetermined input from an operation unit.

Based on the foregoing discussion, it is maintained that Jeffers fails to teach or suggest all the limitations of claim 58. Therefore, claim 58 should be allowable over Jeffers. Furthermore, since independent claims 101, 144, and 145 closely parallel, and include substantially similar limitations as, independent claim 58, claims 101, 144, and 145 should also be allowable over Jeffers. Since claims 59-60 and 62-100 depend from claim 58, and claims 102-103 and 105-143 depend from claim 101, claims 59-60, 62-100, 102-103, and 105-143 should also be allowable over Jeffers.

The steps of transmitting method claim 146 includes:

“constructing predetermined additional information which includes acquiring information necessary to acquire data related to a predetermined broadcast signal; and

transmitting said predetermined broadcast signal;

transmitting said predetermined additional information on plural occasions during the transmission of said predetermined broadcast signal,

wherein said related data is a computer program when said broadcast signal is video data or audio data obtained by executing a predetermined computer program." (emphasis added)

Therefore, in summary, claim 146 comprises: (1) constructing additional information, which includes acquiring information for acquiring data related to a broadcast signal; (2) transmitting the broadcast signal; (3) transmitting the additional information on plural occasions during the transmission of the broadcast signal, wherein the broadcast signal (audio/video signals) is obtained by executing a computer program.

The Examiner indicates that Jeffers includes a header having group address, sync information, and information relating to the program. However, the header in Jeffers fails to disclose the data related to the broadcast signal, which is obtained by a computer program.

Based on the foregoing discussion, it is maintained that Jeffers fails to teach or suggest all the limitations of claim 146. Therefore, claim 146 should be allowable over Jeffers. Furthermore, since independent claims 147-149 closely parallel, and include substantially similar limitations as, independent claim 146, claims 147-149 should also be allowable over Jeffers.

Accordingly, it is submitted that the Examiner's rejection of claims 1-13, 15, 17-20, 22-45, 48-60, 62-103, and 105-149 based upon 35 U.S.C. §102(b) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

Allowable Subject Matter of Claim 21

It is appreciatively noted that claim 21 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

In view of the foregoing, entry of this amendment and the allowance of this application with claims 1-13, 15, 17-20-45, 48-60, 62-103, and 105-149 are respectfully solicited.

In regard to the claims amended herein and throughout the prosecution of this application, it is submitted that these claims, as Originally presented, are patentably distinct over the prior art of record, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. Changes that have been made to these claims were not made for the purpose of patentability within the meaning of 35 U.S.C. §§101, 102, 103 or 112. Rather, these changes were made simply for clarification and to round out the scope of protection to which Applicant is entitled.

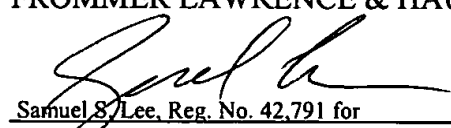
In the event that additional cooperation in this case may be helpful to complete its prosecution, the Examiner is cordially invited to contact Applicant's representative at the telephone number written below.

The Commissioner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account 50-0320.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP

By:


Samuel S. Lee, Reg. No. 42,791 for

William S. Frommer

Reg. No. 25,506

(212) 588-0800